

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAFFAR A. MUHAMMAD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civ. No. 16-3685 (RBK)

MEMORANDUM AND ORDER

JAFFAR A. MUHAMMAD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civ. No. 16-3800 (RBK)

MEMORANDUM AND ORDER

Petitioner, Jaffar A. Muhammad, acting through counsel, filed a motion to vacate set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (*See* Civ. No. 16-3685) Mr. Muhammad seeks to vacate his conviction in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). In accordance with Rule 4(b) of the Rules Governing Section 2255 Proceedings, *see* 28 U.S.C. § 2255 Rule 4(b), the Court has screened the motion for dismissal and determined that dismissal without an answer and a reply is not warranted. Therefore, respondent will be ordered to file a response to the § 2255 motion in Civ. No. 16-3685.

After Mr. Muhammad filed his counseled § 2255 motion, he filed a *pro se* § 2255 motion in Civ. No. 16-3800. That motion also seeks to vacate his conviction pursuant to *Johnson*. It appears that this second § 2255 motion is duplicative of Mr. Muhammad's counseled § 2255

motion in Civ. No. 16-3685. As stated above, this Court is ordering an answer to Mr. Muhammad's § 2255 motion in that previously filed case. Therefore, this Court will administratively terminate Mr. Muhammad's duplicative action in Civ. No. 16-3800. Furthermore, it is worth noting that there is no right to "hybrid" representation as this Court is not obliged to consider *pro se* motions by represented litigants. *See Pagliaccetti v. Kerestes*, 948 F. Supp. 2d 452, 457 (E.D. Pa. 2013) (citing *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984); *United States v. D'Amario*, 328 F. App'x 763, 764 (3d Cir. 2009)). To the extent that Mr. Muhammad would seek to add onto or amend his § 2255 motion, he should do so through his counsel in Civ. No. 16-3685.

Accordingly, IT IS this 11th day of May, 2017,

ORDERED that petitioner's action in Civ. No. 16-3800 is administratively terminated as duplicative of Civ. No. 16-3685; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this Order, the United States shall electronically file and serve an answer to the § 2255 motion (Dkt. No. 1) in Civ. No. 16-3685; and it is further

ORDERED that the answer shall respond to the allegations and grounds of the motion and shall adhere to Rule 5 of the Rules Governing Section 2255 Proceedings; and it is further

ORDERED that the answer shall address the merits of each claim raised in the motion as well as whether the motion is timely; and it is further

ORDERED that the answer shall contain an index of exhibits; and it is further

ORDERED that if the answer refers to briefs or transcripts, orders, and other documents from prior proceedings, then the United States shall serve and file them with the answer; and it is further

ORDERED that petitioner may serve and file a reply to the answer within forty-five (45) days after the answer is filed; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail pursuant to his address of record in Civ. No. 16-3800.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge